

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

JAMES TYRON SMITH et al.,

Civil No. 20-2454 (JRT/TNL)

Petitioners,

v.

ORDER

JEFFREY FIKES, et al.,

Respondents.

Steven Jack Montgomery, Reg. No. 18781-030, Federal Correctional, Institution, P.O. Box 1000, Sandstone, MN 55072, *pro se* petitioner.

Ana H Voss, Andrew Tweeten, Ann Bildtsen, Assistant United States Attorneys, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated March 9, 2021 (ECF No. 10), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Plaintiff Steven Jack Montgomery is **DISMISSED WITHOUT PREJUDICE** from this action for the reasons stated in the Report and Recommendation of February 22, 2021 (ECF No. 5).

2. Montgomery's application to proceed *in forma pauperis* (ECF No. 4) is

DENIED AS MOOT.

Date: April 9, 2021
in Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court